

TRANSCRIPT OF RULE 2255 HEARING
BEFORE THE HONORABLE WILLIAM W. CALDWELL
UNITED STATES DISTRICT JUDGE

Exhibit (1)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

UNITED STATES OF AMERICA, : CASE NO.
Plaintiff : 1:01-CR-00090
vs. :
JUAN A. SANCHEZ, : Harrisburg, PA
Defendant : 8 September 2004
..... : 9:35 a.m.

TRANSCRIPT OF RULE 2255 HEARING
BEFORE THE HONORABLE WILLIAM W. CALDWELL
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff:

Ted Smith, Esq., AUSA
U.S. Attorney's Office
Federal Building, 2nd Floor
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Harrisburg, PA 17108
(717) 221-4482

COPY

For the Defendant:

Dennis E. Boyle, Esq.
Nauman, Smith, Shissler & Hall, L.L.P.
200 North Third Street, 18th Floor
P.O. Box 840
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(717) 236-3010

Interpreter: Dr. Jose Diaz

Court Reporter:

Wesley J. Armstrong, RPR
Official Court Reporter
U.S. Courthouse
228 Walnut Street
Harrisburg, PA 17108
(717) 542-5569

1 A. I represented him.

2 Q. You represented him on the charges that are
3 before the court in this case?

4 A. More specifically I represented him at the
5 sentencing on the charges.

6 Q. Okay. When exactly did you become involved
7 in the case?

8 A. I'm not sure if I can give you an exact
9 date. The reason is because the vast majority
10 of my file was forwarded at the family's request
11 to an attorney in Jersey City. So I don't have
12 must have of it left. I didn't copy everything
13 that was sent out. They seemed to be in quite a
14 hurry, but I know that we had asked for a
15 continuance of a sentencing that was scheduled
16 for June 24th, 2002. So it would have been
17 somewhere very close to that date.

18 Q. Okay. And at what stage was the proceedings
19 at when you became involved?

20 A. At that point he was ready to be sentenced.

21 Q. Had objections to the presentence report
22 been filed before you entered your appearance?

23 A. If I'm not mistaken they had been. I'm not
24 sure of that. I may have filed them, but I
25 believe Lori Borger had filed them before I got

1 involved.

2 THE COURT: Who is that?

3 THE WITNESS: Your Honor?

4 THE COURT: Who filed the objections?

5 THE WITNESS: Lori Borger -- I'm sorry, Lori
6 Ulrich. I've known her too long, judge. She had
7 represented --

8 THE COURT: I'm kidding.

9 THE WITNESS: My apologies.

10 THE COURT: No problem. Just got to keep
11 the record straight here.

12 THE WITNESS: Yes, sir.

13 MR. BOYLE: Your Honor, I'd like to show the
14 witness a copy of objections. May I approach?

15 THE COURT: Sure.

16 (Defense Exhibit D-1 marked for
17 identification.)

18 Q. Mr. Welch, I'm handing you what's been
19 marked as Exhibit D-1. Do you recognize that
20 exhibit?

21 A. Yes, sir.

22 Q. And what is that?

23 A. Those are the objections.

24 Q. And they were filed by Lori Ulrich?

25 A. They were filed by Lori Ulrich.

1 Q. They were pending when you entered your
2 appearance?

3 A. Yes, sir.

4 Q. Now, where did you meet Mr. Sanchez after
5 this first time if you recall?

6 A. I'm not sure.

7 Q. Okay.

8 A. I think the first time I met him, I have to
9 apologize because I had two cases almost at the
10 same time that were very similar, the other one
11 being a guy named Rodney Gonzalez. If I'm not
12 mistaken I met Mr. Sanchez at the Dauphin County
13 Prison just a very few days before the sentencing
14 was scheduled, but I'm not a hundred percent sure
15 of that.

16 Q. Do you recall what you discussed at that
17 time?

18 A. I remember speaking with him. I didn't know
19 much about the case at that point. The family
20 had contacted me and I spoke with them and then
21 went to see him. My first question was what his
22 complaints were with Mrs. Ulrich, because I have
23 known her for so long, I know her to be an
24 excellent attorney, discussed what his complaints
25 were and what exceptions had been taken as far as

1 discussed. I do know that my impression at that
2 time because it carried on throughout this was
3 that the issues that he was taking exception with
4 probably were not going to have any meaningful
5 effect on the guidelines as they were computed,
6 and I also recall that he had a major, major
7 complaint with Christy Fawcett of the U.S.
8 Attorney's Office and with failure to be given
9 all of the points for acceptance of
10 responsibility that he felt he should be given.

11 Q. Did you hire a prior investigator?

12 A. We did.

13 Q. And who was that private investigator?

14 A. Matthew Hunt, H-U-N-T.

15 Q. Now, did you receive any investigative
16 reports from the Federal Public Defenders's
17 office?

18 A. Yes. Yes, I remember some. I don't have
19 them. They were forwarded to attorney Garrigan
20 in Jersey City, along with the ones that Mr. Hunt
21 produced.

22 MR. BOYLE: Your Honor, may I approach the
23 witness?

24 THE COURT: Just a second.

25 THE INTERPRETER: I can't hear him.

1 THE COURT: I can't understand what he's
2 saying.

3 THE WITNESS: I think he's trying to get me
4 to speak up.

5 THE INTERPRETER: I'm sorry, I apologize.

6 MR. BOYLE: Your Honor, may I approach the
7 witness?

8 THE COURT: Sure. You don't have to ask
9 permission to do that again, not with your
10 exhibits. If you have more than one that you're
11 going to confront him with, why don't you just
12 give him all of them.

13 MR. BOYLE: Okay.

14 (Defense Exhibits D-2 and D-3 marked for
15 identification.)

16 Q. Mr. Welch, I'm handing you what's been
17 marked as Defense Exhibits 2 and 3. Could you
18 look at Defense Exhibit 2, please?

19 MR. SMITH: Which is 2 and which is 3?

20 MR. BOYLE: 2 would be the Betty Deck
21 statement, and 3 is the Phillip Parbel.

22 THE COURT: Okay. Do you have a question?

23 BY MR. BOYLE:

24 Q. Yes. Do you recognize those statements?

25 A. Yes.

1 when or where. Certainly I went over them with
2 him.

3 Q. Okay. Now, when you appeared at the
4 sentencing hearing, did you withdraw the
5 objections in this case?

6 A. When we appeared at the sentencing hearing -
7 I had Parbel and Deck present under subpoena.
8 I had, I believe Matthew Hunt was here also. We
9 went into a conference. My recollection is that
10 the judge suggested that we might want to confer
11 before we actually got into this hearing, Judge
12 Caldwell often does that, recognizing that
13 there's a risk in litigation.

14 Q. So the record is clear, when you say "we,"
15 could you please identify who that is?

16 A. Christy Fawcett and myself. The assistant
17 U.S. attorney was handling the case and we went
18 into conference. We discussed the matter fifteen
19 or twenty minutes I suspect. She was willing
20 to bend on the points for acceptance of
21 responsibility. I came back and sat right where
22 you're sitting, discussed it with Mr. Sanchez.
23 He indicated that -- I explained to him that
24 there was a risk, but it was conceivable that the
25 judge could conclude that he wasn't entitled to

1 any points, as well as the possibility that he
2 could be entitled to all the points, but I didn't
3 see any other exception that was going to get him
4 any relief and indicated that if he wanted to
5 take the one extra point, it would save him I'
6 think it was about a year under the guidelines.
7 I had the guidelines with me and we looked at
8 them. He indicated that that was acceptable to
9 him. That decision made, we obviously withdrew
10 the exceptions, or the objections, and proceeded
11 to sentencing, and I believe that was reflected
12 in the colloquy at that time.

13 Q. Did, now during the colloquy Mr. Sanchez
14 indicated at one point in time he didn't want
15 to upset the judge. Do you recall that?

16 A. I have some recollection of language to
17 that effect, yes, sir.

18 Q. Why did he say that if you know?

19 A. I suspect that he had a certain fear that if
20 he were to continue through to a hearing, that
21 the judge might be aggravated by the fact he went
22 through with a hearing. That's the only thing I
23 can conclude.

24 Q. Did you tell him that the judge might be
25 aggravated if you went through with the hearing?

1 A. I don't think I ever told him that. I
2 think I did tell him that if he, as I do with
3 everybody, that if any judge feels that an issue
4 that's been placed before the court is entirely
5 frivolous that certainly a judge is capable of
6 determining within their discretion that any
7 leeway that they could give a person they may
8 not want to give. I view that as being closely
9 related to acceptance of responsibility.

10 Q. Now, the presentence report identifies two
11 cooperating witnesses in the relevant conduct
12 section of the report. Do you recall that?

13 A. I believe you're referring to Deck and
14 Parbel. I don't really recall the presentence,
15 no.

16 Q. Other than Deck and Parbel, did the
17 government have any witnesses available to
18 testify to your knowledge on that day?

19 A. Deck and Parbel if I'm not mistaken were
20 there under my subpoena. I don't know if they
21 were here under a government subpoena as well.
22 They were other people in the courtroom.

23 Q. Okay. Do you know who they were?

24 A. If I'm not mistaken Mr. Sanchez was asked
25 and identified them for me, but I don't recall

1 Costopoulos & Welch?

2 A. That's correct. The company, yes.

3 Q. Are you familiar with the presentence report
4 in this case?

5 A. Yes.

6 Q. Did you receive a copy of the presentence
7 report?

8 A. Yes.

9 Q. Do you recall when you received a copy of
10 the report?

11 A. About six months after the sentence I think.

12 Q. After the sentencing?

13 A. No, after I pled guilty.

14 Q. Okay. Did you receive it before you were
15 sentenced?

16 A. Yes. Presentence report, yes. Presentence
17 report, yes.

18 MR. BOYLE: Your Honor, I believe the
19 presentence report is already a matter of
20 record in this case. It doesn't have to be
21 reintroduced.

22 MR. SMITH: I'll agree.

23 BY MR. BOYLE:

24 Q. Mr. Sanchez, I'm handing you a copy of the
25 presentence report in this case. When did you

1 first review this document with Mr. Welch, if
2 ever?

3 A. After I had paid him, and after the court
4 had accepted him as my attorney.

5 Q. Okay. Where did he meet you at?

6 A. I was in prison in Cumberland County.

7 Q. And please explain how he went over the
8 presentence report with you.

9 A. I explained to him all the objections what
10 they had done and that I was not guilty of all
11 the things they had invented, and that's why I
12 had made a contract, hired him to defend me to
13 go through all these things.

14 Q. Had Ms. Ulrich already filed objections at
15 that time?

16 A. No. She did only one section of it, not
17 the whole thing.

18 Q. But she did file objections?

19 A. Yes, yes.

20 Q. Okay. Did you discuss those objections
21 with Mr. Welch?

22 A. That's why I hired him, yes.

23 Q. What happened when you went to court?

24 A. When we came to the court here he turned
25 against me. When I came into the court he was

1 in that room.

2 THE INTERPRETER: He's pointing to the right
3 side of the courtroom.

4 A. When he came out of there he came out with
5 the U.S. attorney. He told me he had spoken with
6 the U.S. attorney, that we had five minutes for
7 an audience to review these, that the U.S.
8 attorney had argued or talked over one point,
9 if I wanted to give up some of the objections
10 because the trial would last about three hours,
11 and that the judge would be unhappy about
12 carrying on with that hearing.

13 Then he told me to think about this point,
14 that I had five minutes to think about it at that
15 point, and I told him that at that point they
16 were bringing up was one of my objections and I
17 had already pointed it out to him, and that was
18 one of my points and I wasn't going to argue that
19 point and negotiate that point, and Phillip
20 Parbel and Larry Deck were here, and I told him
21 how can we, how could I come to agreement for
22 four points, to exchange four points for only one
23 point when he knew that I had hired him so that
24 he would fight all the objections.

25 Q. If I may interrupt, did you at some point

1 sixty days extension because two more witnesses
2 who were to come and he was going to, so he could
3 fight further the case, my case, because he had
4 taken some vacation, because he told me then that
5 right now at that point since he had done nothing
6 that anything that would happen in the court that
7 he was going to appeal for over the first
8 presentence report, but as I did not contract,
9 did not hire him to appeal my case, and so I gave
10 him all the papers that he had enough arguments
11 to appeal. When I gave him all the papers that
12 day he said there are many objections. That's
13 why he needed the time. He didn't want the judge
14 to sentence me then, and if he were to sentence
15 me he was going to appeal.

16 Q. Did you file an appeal or did you discuss
17 appeal after that at all with Mr. Welch?

18 A. When we were discussing that point he told
19 me not to worry, that it was the judge's decision
20 because I had exchanged the indictment for the
21 information, and there were at least five years
22 just for that. And if the judge did not give me
23 the five years, he was going to appeal to
24 consider that point to see what the judge was
25 going to say.

29

1 information that had actually been provided by
2 the defendant concerning the quantity of cocaine
3 that the defendant had sold to them.

4 Q. What if any admissions had the defendant
5 made that were in your possession that could have
6 been used to corroborate the drug quantities?

7 A. The defendant made a number of admissions
8 concerning drug, his involvement in drug
9 trafficking with respect specifically to Robert
10 and Betty Deck and Phillip Parbel. He admitted
11 at the time of his second arrest that he had sold
12 drugs and that just prior to the execution of a
13 search warrant, which was the matter under when
14 he was arrested, he had delivered fifty grams to
15 Robert and Betty Deck and Phillip Parbel.

16 Q. And as you prepared to go into this
17 sentencing hearing did you make Mr. Welch,
18 counsel for the defendant, aware of your
19 preparedness to go through with the hearing?

20 A. Yes. I had told him that the Parbels and
21 Mr. Deck were in the courtroom. Actually I
22 recall that they were seated in the back of the
23 courtroom on the left-hand side as I'm faced, and
24 I think I even pointed them out to Mr. Welch.

25 Q. How did the objection previously filed by

35

1 prior counsel come to be withdrawn?

2 A. There was a discussion between myself and
3 Mr. Welch concerning the fact that I had
4 witnesses prepared to testify concerning the
5 drug weights, and I proposed to him or he
6 proposed to me, I can't remember who made the
7 initial proposal, that there be a compromise so
8 that the witnesses would not testify concerning
9 the drug weights, and the compromise was that I
10 would recommend to the court that he receive a
11 third point, or point off his offense level score
12 for acceptance of responsibility.

13 Q. Did you believe he was entitled to that
14 legally?

15 A. No, because he had, normally that third
16 point is credited to a defendant if the defendant
17 timely admits his guilt and the government is not
18 required to go through the expense and the work
19 of preparing for trial. In this case that hadn't
20 happened. The defendant was scheduled for trial
21 on a Monday. On the Friday before that Monday,
22 just three days before that Monday, I received a
23 call from his defense attorney, at the time Lori
24 Ulrich, saying he wanted to plead guilty. So his
25 express desire to plead guilty wasn't presented

1 to me until shortly before the trial.

2 Q. And you had prepared considerably for trial?

3 A. Yes.

4 MR. SMITH: I believe those are the only
5 questions I have.

6 THE COURT: All right. Mr. Boyle?

7 CROSS EXAMINATION BY MR. BOYLE:

8 Q. During your negotiations with Mr. Welch was
9 Juan Sanchez present?

10 A. I don't specifically recall. I believe
11 that we had some of these negotiations in the
12 courtroom with the defendant present but the
13 court not here yet. So whether he was
14 specifically standing with Mr. Welch I don't
15 recall.

16 Q. You don't recall who participated in the
17 negotiations?

18 A. No, but I know that Mr. Welch discussed with
19 him, meaning whether or not he would accept this
20 compromise.

21 Q. And how do you know that?

22 A. Because I recall Mr. Welch saying he would
23 accept a compromise.

24 MR. BOYLE: Okay.

25 THE COURT: Did these discussions take place

1 across a situation where any judge of this court
2 or any other federal court has sentenced outside
3 the guideline range. So if there was a mention,
4 it was a very brief mention. So it's essentially
5 a non-issue. And certainly if a sentence had
6 been imposed outside the guideline range we would
7 have revisited the issue of appeal and done that
8 immediately.

9 Q. Okay. Did you discuss the possibility of
10 appealing the guideline calculations themselves?

11 A. We had to have discussed it to some degree
12 because of the guideline calculation that was at
13 issue. So I can't imagine how I possibly could
14 have discussed it with him without explaining it
15 to him that if there was, if we felt the court's
16 application of the guideline was inappropriate
17 that there would be a basis to appeal for that.

18 Q. And you would agree that there would be a
19 basis to appeal that issue?

20 A. Sure. To appeal. It doesn't necessarily
21 means there's a basis to win.

22 MR. BOYLE: Well, I understand that.
23 I have no further questions, Your Honor.

24 MR. SMITH: And I have none.

25 THE COURT: Thank you, Mr. Welch.

**OBJECTIONS
TO THE PRESENTENCE REPORT**

Exhibit (2)

FEDERAL PUBLIC DEFENDER

MIDDLE DISTRICT OF PENNSYLVANIA
100 CHESTNUT STREET, SUITE 306
HARRISBURG, PENNSYLVANIA 17101-2540
TELEPHONE: (717) 782-2237
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FEDERAL PUBLIC DEFENDER
JAMES V. WADE

ASSISTANT FEDERAL DEFENDERS
DANIEL I. SIEGEL
LORI J. ULRICH
THOMAS A. THORNTON

February 21, 2002

Lori A. Baker
United States Probation Officer
Federal Building, Room 720
228 Walnut Street
Harrisburg, PA 17108

RE: *United States v. Juan Sanchez*
Criminal No. 1:01-CR-00090

Dear Lori:

I have reviewed the presentence report with Mr. Sanchez and we have several objections.

Paragraph 8. Mr. Sanchez denies that he had any conversations about killing a confidential informant and denies any involvement in such conduct.

* Paragraph 10. Mr. Sanchez denies that he ever gave an informant a .25 caliber semi-automatic handgun with a laser sight. Furthermore, he denies ever possessing such a firearm.

Paragraph 14. Mr. Sanchez denies selling cocaine to Betty Deck for two years and denies selling 30 grams weekly to Phillip Parbel. He also denies delivering 80 grams on two separate occasions to Betty Deck and Mr. Parbel.

* Paragraph 15. Mr. Sanchez denies selling cocaine to Phillip Parbel for two and a half years.

* Paragraph 17. Mr. Sanchez denies that he had a leadership role in the offense with respect to Juan Luis Rodriguez-Cruz, Elizabeth Giron, Ruddy Antonio Tapia-Sarante, and Janira Flores. Juan Sanchez denies that Janira Flores collected payments for him for cocaine delivered to Betty Deck.

Paragraph 19. Mr. Sanchez denies approaching any individuals to have the first confidential informant murdered. The statements made to the agents while in transit following his arrest were merely expressions of frustration over the preceding events.

United States v. Juan A. Sanchez
Criminal No. 1:01-CR-00090
PSR Objections
February 21, 2002
Page 2

X Paragraph 23. Mr. Sanchez disagrees with the drug quantity calculations. Specifically, he disagrees with the historical data provided by Phillip Parbel and Betty Deck. Mr. Sanchez is alleging that Mr. Parbel and Ms. Deck are not credible witnesses.

X Paragraph 24. Mr. Sanchez objects to a two-level enhancement for possession of a firearm.

X Paragraph 25. Mr. Sanchez objects to a two-level enhancement for a leadership role in the offense.

Paragraph 72. Mr. Sanchez objects to a guideline range of 188-235 months.

We are requesting a hearing on these matters. If you have any questions, please contact me at the Federal Public Defender's Office.

Sincerely,



Lori J. Ulrich
Asst. Federal Public Defender

LJU/saj

cc: Christy H. Fawcett, Esquire
Juan Sanchez

ADDENDUM TO THE PRESENTENCE REPORT

United States District Court For The Middle District of Pennsylvania
United States v. Juan A. Sanchez, Dkt. No. 1:CR-01-090

OBJECTIONS

By the Government

The Government has no unresolved objections.

By the Defendant

As reflected in the attached correspondence, the defendant has numerous objections to the presentence report, which do affect the guideline calculations, and are summarized as follows:

Offense Conduct and Offense Level Computation - The objections submitted by defense counsel reflect that Mr. Sanchez denies much of the conduct attributed to him by the Assistant U.S. Attorney. As a result, counsel objects to the drug calculations and the enhancements for possession of a firearm, leadership role, and obstruction of justice. Counsel is requesting a hearing on these matters.

The probation officer stands by the presentence report, noting that all of the information concerning the offense objected to by the defendant and counsel was provided by the Government.

Should the Court find for the defendant, the guideline range will be recalculated based on the Court's findings.

CERTIFIED BY:

Lori A. Baker

Lori A. Baker
U.S. Probation Officer

Approved:

Edward J. Kosheba 2/22/02
Edward J. Kosheba Date
Deputy Chief U.S. Probation Officer

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA
PROBATION OFFICE

HARRISBURG

JOSEPH P. DONOHUE
CHIEF PROBATION OFFICER

WILLIAM J. NEALON U.S. COURTHOUSE
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February 22, 2002

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197 S. MAIN STREET
WILKES-BARRE 18701-1508
570-826-0257

MEMORANDUM TO: ✓ Juan A. Sanchez
Defendant

Lori J. Ulrich
Defense Counsel

Christy Fawcett
Assistant U.S. Attorney

SUBJECT: **SANCHEZ, Juan A.**
Dkt. No. 1:CR-01-090

MODIFICATIONS TO PRESENTENCE REPORT

I am submitting a revised presentence report and an addendum on the subject. The parties are asked to note the following changes:

- New Object*
1. Paragraphs 23 and 28 (Base Offense Level - Group One) and Paragraphs 35, 38, and 40 (Multiple Count Adjustment) - have been revised based on new drug calculations which result in a lower offense level;
 2. Paragraph 42 (Adjustment for Acceptance of Responsibility) - the additional one-level reduction for timely notification of intention to enter a guilty plea has been removed based on information provided by the Government;
 3. Paragraph 44 (Total Offense Level) - has been corrected based on the above changes to thirty-four;
 4. Paragraph 55 (Other Arrests) - the disposition of this charge is now included; and
 5. Paragraphs 72 and 81 (Sentencing Options) - now reflect a guideline imprisonment range of 168 to 210 months and a fine range of \$17,500 to \$175,000.

Sincerely,
Lori A. Baker
Lori A. Baker
U.S. Probation Officer

LAB/wlh
Attachment
cc: Joseph P. Donohue
Chief U.S. Probation Officer

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA
PROBATION OFFICE

HARRISBURG

JOSEPH P. DONOHUE
CHIEF PROBATION OFFICER

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February 22, 2002

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MEMORANDUM TO: The Honorable William W. Caldwell
U.S. District Judge

SUBJECT: **SANCHEZ, Juan A.**
Dkt. No. 1:CR-01-090

I am submitting a Revised Presentence Report with an Addendum on the subject.

The initial report has been reviewed by the parties. I am herewith forwarding a copy of the Addendum to the defendant, defense counsel, and counsel for the Government.

Respectfully submitted,

Lori A. Baker
Lori A. Baker
U.S. Probation Officer

LAB/wlh

Attachments

cc: Juan A. Sanchez, Defendant
Lori J. Ulrich, Defense Counsel
Christy Fawcett, Assistant U.S. Attorney
Joseph P. Donohue, CUSPO

ORDER

PETITIONER'S 2255 MOTION (DOCS. 48 AND 76) IS DENIED

Exhibit (3)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,
Plaintiff

:

:

vs.

:

CRIMINAL NO. 1:CR-01-90
CIVIL NO. 1:CV-03-1400

:

JUAN A. SANCHEZ,
Defendant

:

O R D E R

AND NOW, this 3rd day of December, 2004, it is Ordered
that:

1. Petitioner's 2255 motion (Docs. 48 and
67) is denied.

2. Based on the accompanying memorandum,
a certificate of appealability is denied.

3. The Clerk of Court shall close this
file.

/s/William W. Caldwell
William W. Caldwell
United States District Judge

It is clear that the Defendant received a sentence within the range indicated at the time of his plea. Further, the Defendant withdrew his objections to the pre-sentence report in order to receive the benefit of an additional point for acceptance of responsibility. Although the Defendant raises *Blakely* as a potential issue for appeal, that case was decided almost two years after Sanchez was sentenced and counsel could not have raised a *Blakely* claim on appeal. Finally, we have already determined that the Defendant did not indicate to counsel that he desired an appeal. Considering all of these factors together, it cannot be said that either a rational defendant would want to appeal or that the Defendant indicated his own desire to appeal. Therefore, counsel was not deficient in his representation and the Defendant's claim of ineffective assistance for failure to appeal must fail.

2. Sentencing outside the guideline range

The Defendant argues that counsel was ineffective at sentencing because he allowed the court to impose a sentence using U.S.S.G. § 2D1.1, the guideline section for drug offenses. He maintains that because he did not plead guilty to 21 U.S.C. § 846 or 21 U.S.C. § 841, § 2D1.1 cannot be used to calculate the

base offense level for his sentence on Counts I and II.⁴ The Government argues that the base offense level for Counts I and II was calculated correctly.

Upon a review of the sentencing guidelines applicable at the time the Defendant was sentenced, it is clear that § 2D1.1 applies to the Defendant's sentence. U.S.S.G. § 2X1.1(a), the guideline section for 18 U.S.C. § 371, requires, for the calculation of a base offense level, the use of the base offense level for the underlying substantive offense. The guideline section for 18 U.S.C. § 1952, U.S.S.G. § 2E1.1(a)(2), also requires the use of the offense level applicable to the underlying unlawful activity for which "the travel or transportation was undertaken." The underlying offense for Counts I and II is a drug offense. Thus, U.S.S.G. § 2D1.1 is the proper section for the calculation of the base offense level for those Counts and counsel did not allow the court to sentence the defendant outside his charged offense. Defendant's ineffectiveness claim will be denied.

⁴ Although the Defendant objects to the use of § 2D1.1 to enhance his sentence under 18 U.S.C. § 1028, we construe his claim as an objection to the use of § 2D1.1 with regard to Counts I and II. § 2D1.1 was applied to those Counts and not to Count III.

PLEA AGREEMENT

Exhibit (4)

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.)
)
 JUAN A. SANCHEZ, A/K/A)
 JIMMY HERNANDEZ, A/K/A)
 JAIME HERNANDEZ, A/K/A)
 JOSE VERIS, A/K/A)
 JOSE VERAS, A/K/A)
 NINO, A/K/A)
 ALEX)

CRIMINAL NO. 1:CR-01-090
(Judge Caldwell) Deputy Clerk

P L E A A G R E E M E N T

The following plea agreement is entered into by and between the United States Attorney for the Middle District of Pennsylvania and the above-captioned defendant. Any reference to the United States or to the Government in this Agreement shall mean the office of the United States Attorney for the Middle District of Pennsylvania.

The defendant, as well as counsel for both parties, understand that the United States Sentencing Commission Guidelines which took effect on November 1, 1987, as amended, will apply to the offenses to which the defendant is pleading guilty, since those offenses were completed after the effective date of the implementation of the Guidelines.

1. The defendant agrees to waive indictment by a grand jury and plead guilty to a felony information which will be filed against the defendant by the United States Attorney for the

Middle District of Pennsylvania. That information will charge the defendant with a violation of Title 18, United States Code, Section 371, criminal conspiracy to cause interstate and foreign travel in aid of drug distribution. The maximum penalty for that offense is imprisonment for a period of five (5) years, a fine of \$250,000, a term of supervised release to be determined by the court, the costs of prosecution, denial of certain federal benefits as well as an assessment in the amount of \$100. The information will also charge the defendant with a violation of Title 18, United States Code, Section 1952, causing interstate and foreign travel in aid of drug distribution. The maximum penalty for that offense is imprisonment for a period of five (5) years, a fine of \$250,000, a term of supervised release to be determined by the court, the costs of prosecution, denial of certain federal benefits as well as an assessment in the amount of \$100. The information will also charge the defendant with a violation of Title 18, United States Code, Section 1028(a)(1), production of false identification. The maximum penalty for that offense is imprisonment for a period of fifteen (15) years, a fine of \$250,000, a term of supervised release to be determined by the court, the costs of prosecution, denial of certain federal benefits as well as an assessment in the amount of \$100. At the time the guilty plea is entered, the defendant shall admit to the Court that the defendant is, in fact, guilty of the offenses

charged in the information. In the event that the defendant subsequently successfully vacates or sets aside any plea, conviction or sentence imposed pursuant to this plea agreement, the defendant further agrees to waive any defense to the filing of additional charges which could have been brought against the defendant at the time of this plea based upon laches, the assertion of any speedy trial rights, any applicable statute of limitations, or any other grounds.

2. The defendant also understands that the court must impose at least a three-year term of supervised release in addition to any term of imprisonment, fine or assessment involving a violation of the Controlled Substances Act.

3. The defendant also understands that the Court must impose a term of supervised release following any sentence of imprisonment exceeding one (1) year, or when required by statute. The Court may require a term of supervised release in any other case.

4. At the time of sentencing on the information described above, the United States agrees to move for dismissal of the indictment filed under Criminal Number 1:CR-01-090. The defendant agrees, however, that the United States may at its sole election reinstate any dismissed counts in the event that the charge(s) to which the defendant has pleaded guilty pursuant to this plea agreement are subsequently vacated or set aside by the

agrees that if the government receives information that the defendant has committed new crimes while awaiting plea and /or sentencing in this case, the government may petition the Court and, if the Court finds by a preponderance of the evidence that the defendant has committed any other criminal offense while awaiting plea or sentencing, the Government shall be free at its sole election to either: A) withdraw from this agreement, or B) make any sentencing recommendations to the Court that it deems appropriate. The defendant further understands and agrees that, if the Court finds that the defendant has committed any other offense while awaiting plea or sentencing, the defendant will not be permitted to withdraw any guilty pleas tendered pursuant to this plea agreement, and the government will be permitted to bring any additional charges which it may have against the defendant.

29. The United States is entering into this Plea Agreement with the defendant because this disposition of the matter fairly and adequately addresses the gravity of the series of offenses from which the charges are drawn, as well as the defendant's role in such offenses, thereby serving the ends of justice.

30. This document states the complete and only Plea agreement between the United States Attorney for the Middle District of Pennsylvania and the defendant in this case, and is binding only on the parties to this agreement, supersedes all

prior understandings, if any, whether written or oral, and cannot be modified other than in writing that is signed by all parties or on the record in Court. No other promises or inducements have been or will be made to the defendant in connection with this case, nor have any predictions or threats been made in connection with this plea.

31. The original of this agreement must be signed by the defendant and defense counsel and received by the United States Attorney's Office on or before 5:00 p.m., Friday, June 22, 2001, otherwise the offer shall be deemed withdrawn.

32. None of the terms of this agreement shall be binding on the Office of the United States Attorney for the Middle District of Pennsylvania until signed by the defendant and defense counsel and until signed by the United States Attorney.

ACKNOWLEDGMENTS

I have read this agreement and carefully reviewed every part of it with my attorney. I fully understand it and I voluntarily agree to it.

6-19-01
Date

Juan A. Sanchez
JUAN A. SANCHEZ
Defendant

I am the defendant's counsel. I have carefully reviewed every part of this agreement with the defendant. To my knowledge my client's decision to enter into this agreement is an informed and voluntary one.

6/19/01
Date

Lori Ulrich
LORI ULRICH, ESQUIRE
Counsel for Defendant

6-19-01
Date

Martin C. Carlson
MARTIN C. CARLSON
United States Attorney

CHF:pak
(2001R00207 - 6/14/01)

SUBPOENA

PRIVATE INVESTIGATOR MATTHEW E. HUNT

PHILLY PARBEL,

BETTY DECK,

Exhibit (5)

AO 89 (Rev. 11/91) Subpoena in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
		SHEPHERD'S FOLD, 1920 QUARRY ROAD, LEBANON, PA 17046
SERVED	DATE	PLACE
	2:00 PM JUNE 20, 2002	SHEPHERD'S FOLD, 1920 QUARRY ROAD LEBANON, PA 17046
SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS
PHILLIP PARBEL		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT \$
SERVED BY (PRINT NAME)		TITLE
MATTHEW E. HUNT		PRIVATE INVESTIGATOR
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on	<u>June 20, 2002</u>	<u>Matthew E. Hunt</u>
	Date	Signature of Server
		<u>2281 FOREST HILLS DRIVE</u>
		Address of Server
		<u>HARRISBURG, PA 17112-1035</u>
ADDITIONAL INFORMATION		
Advised Phillip PARBEL to call attorney Allen WELCH'S office at 717-221-0900 on Monday, June 24, 2002 to ascertain if a continuance has been granted for the scheduled trial.		

FD-89 (Rev. 11/91) Subpoena in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE 3:30 PM JUNE 20, 2002	PLACE WON'S WEAR, LEHMAN ST. + LINCOLN AVE, CITY OF LEBANON, PA.
SERVED ON (PRINT NAME) BETTY DECK		FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT \$
SERVED BY (PRINT NAME) Matthew E. Hunt,		TITLE PRIVATE INVESTIGATOR
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on _____ Date		Matthew E. Hunt Signature of Server
2281 FOREST HILLS DRIVE Address of Server		
HARRISBURG, PA. 17112-1035		
ADDITIONAL INFORMATION		
Advised Betty DECK to call Attorney Allen WELCH's office at 717-221-0900 on Monday, June 24, 2002 to ascertain if a Continuance has been granted for the scheduled trial.		

AO 89 (Rev. 11/91) Subpoena in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE 11:15 AM 7/12/2002	PLACE 223 W. MAIN ST. MEYERSTOWN PA.
SERVED ON (PRINT NAME) BETTY DECK		FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT \$
SERVED BY (PRINT NAME) Matthew E. Hunt		TITLE PRIVATE INVESTIGATOR
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on	July 12, 2002 Date	Matthew E. Hunt Signature of Server
2281 FOREST HILLS DRIVE Address of Server		
HARRISBURG, PA 17112-1035		
ADDITIONAL INFORMATION		
Directions to Federal Court House in Harrisburg, Pa. furnished to Betty DECK at time of service.		

JO 89 (Rev. 11/91) Subpoena in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
		SHEPHERD'S FOLD, 1920 QUARRY ROAD, LEBANON, PA 17046
SERVED	DATE	PLACE
	2:00 PM JUNE 20, 2002	SHEPHERD'S FOLD, 1920 QUARRY ROAD LEBANON, PA 17046
SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS
PHILLIP PARBEL		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT \$
SERVED BY (PRINT NAME)		TITLE
MATTHEW E. HUNT		PRIVATE INVESTIGATOR
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on	<u>June 20, 2002</u> Date	<u>MATTHEW E. HUNT</u> Signature of Server
<u>2281 FOREST HILLS DRIVE</u> Address of Server		
<u>HARRISBURG, PA 17112-1035</u>		
ADDITIONAL INFORMATION		
advised Phillip PARBEL to call attorney Allen WELCH'S office at 717-221-0906 on Monday, June 24, 2002 to ascertain if a continuance has been granted for the scheduled trial.		

**TRANSCRIPT OF PROCEEDINGS
SENTENCING**

Exhibit (6)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

v. : CRIMINAL NO. 1:CR-01-090

JUAN A. SANCHEZ, :
a/k/a Jimmy Hernandez, :
a/k/a Jaime Hernandez, :
a/k/a Jose Veris, :
a/k/a Jose Veras, :
a/k/a Nino, :
a/k/a Alex, :
Defendant

TRANSCRIPT OF PROCEEDINGS

SENTENCING

Before: Hon. William W. Caldwell, Senior Judge

Date: July 23, 2002

Place: Courtroom No. 1
Federal Building
Harrisburg, Pa.

COUNSEL PRESENT:

CHRISTY H. FAWCETT, Assistant U.S. Attorney
For - Government

ALLEN C. WELCH, Esquire
For - Defendant

JASON BROWN, INTERPRETER

Monica L. Zamiska, RPR
Official Court Reporter

1 with the matters noted by the Court. His background, his
2 personal history are all contained in there. I have not
3 determined if there is anything that he would like to say,
4 but certainly I intend to ask him that right now.

5 THE COURT: All right. Mr. Sanchez, you also have
6 the opportunity at this time to address the Court on the
7 question of sentencing or to state anything else that you
8 wish to state at this time. Do you wish to be heard at this
9 point?

10 THE DEFENDANT: *First of all, I'd like to ask for
11 forgiveness to the United States, and I declare myself guilty
12 of the things that were invented. And I want, if possible,
13 that you could send me to New Jersey to be close to my
14 family.

15 THE COURT: Where is your home in New Jersey?

16 THE DEFENDANT: *Newark.

17 THE COURT: Newark, and are you able to give me the
18 name of the institution?

19 THE DEFENDANT: *I don't know.

20 THE COURT: Okay. That's fine.

21 THE DEFENDANT: *I'm very sorry and I ask for
22 forgiveness.

23 THE COURT: Okay. Is that all, sir? Is that all?

24 THE DEFENDANT: *Yes.

25 THE COURT: Miss Fawcett, do you have anything you

1 would like to say?

2 MS. FAWCETT: No, Your Honor.

3 THE COURT: This, of course, as we know, is not the
4 first time that Mr. Sanchez has been in trouble in our
5 courts. I believe this is a case, if I'm not mistaken, in
6 which Mr. Sanchez was ordered deported following a 1994 drug
7 conviction. At that time he evaded deportation by changing
8 his name, and I would put him in a fugitive category at that
9 time. And he continued his involvement in criminal activity,
10 including drug distribution in Lebanon and the Reading areas.
11 After being arrested locally for this conduct, he was
12 released on bail and again returned to drug distribution. He
13 has demonstrated a disregard for the laws of this country,
14 and it's unfortunate that having been permitted to come here
15 he could not abide by our laws.

16 Based upon these and other factors it is the
17 judgment of the Court that the defendant Juan A. Sanchez
18 be committed to the custody of the Bureau of Prisons to be
19 imprisoned for a term of 168 months. This term consists of
20 terms of 60 months on each of Counts 1 and 2 and 168 months
21 on Counts 3 -- on Count 3. These sentences to be served
22 concurrently.

23 We find that the defendant has some ability to pay
24 a fine, and accordingly we order that he pay the United
25 States the sum of \$600, consisting of a fine of \$100 and a

MOTION TO POSTPONE SENTENCE

AND

MOTION FOR CONTINUANCE

Exhibit (7)

APPROVED (9)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL NO.1:CR-01-090
(Judge Caldwell)

V.

JUAN A. SANCHEZ,
a/k/a Jimmy Hernandez,
a/k/a Jaime Hernandez,
a/k/a Jose Veris,
a/k/a Jose Veras,
a/k/a Nino,
a/k/a ALEX

FILED
HARRISBURG, PA

JUN 20 2002
MARY E. D'ANDREA, CLERK
Per *[Signature]*
Deputy Clerk

MOTION TO POSTPONE SENTENCE

AND NOW, comes the government through Christy H. Fawcett, Assistant U.S. Attorney, and files the within Motion to Postpone Sentence:

1. On June 22, 2001, the defendant in the above captioned case pled guilty.

2. Following entry of his guilty plea, the defendant retained Allen Welch, Esquire, to represent him during the sentencing proceeding.

3. On June 19, 2002, undersigned counsel spoke to Attorney Welch who stated that as yet he has been unable to locate a witness he wishes to call during the sentencing proceeding.

4. Undersigned counsel stated she would concur in a Motion to Postpone Sentence to permit Attorney Welch to locate the witness.

5. Undersigned counsel is filing this motion because Attorney Welch is out-of-town and unable to do so himself.

WHEREFORE, it is requested that the Court postpone the

sentencing hearing in the above captioned case for a reasonable period in order to permit defense counsel to further attempt to locate a witness.

Respectfully submitted,

THOMAS A. MARTINO
United States Attorney

Christy N. Fawcett

CHRISTY H. FAWCETT
Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 1:CR-01-090
:
v. :
:
JUAN A. SANCHEZ, :
a/k/a Jimmy Hernandez, :
a/k/a Jaime Hernandez, :
a/k/a Jose Veris, :
a/k/a Jose Veras, :
a/k/a Nino, :
a/k/a ALEX :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 20th day of June 2002, she served a copy of the attached

MOTION TO POSTPONE SENTENCE

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Allen C. Welch, Esquire
Costopoulos & Welch
1400 North Second Street
Harrisburg, PA 17102

Christina L. Garber
Christina L. Garber
Legal Assistant

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CASE NO. CR-01-00090-001

FILED
HARRISBURG, PA


v.

JUAN A. SANCHEZ,

JUN 21 2002

Defendant

TO THE HONORABLE, WILLIAM W. CALDWELL, SENIOR JUDGE:

MARY S. GANDER, CLERK
Per 

AND NOW COMES the Defendant, Juan A. Sanchez, by and through his attorney, Allen C. Welch, Esquire, of Costopoulos and Welch, and files the following Motion for Continuance, respectfully representing as follows:

MOTION FOR CONTINUANCE

1. Defendant, Juan A. Sanchez, has pled guilty to conspiracy to cause interstate and foreign travel in aid of drug distribution, causing interstate and foreign travel in aid of drug distribution and producing a false identification.
2. Defendant is scheduled to appear before This Honorable Court for sentencing on June 24, 2002 at 9:00 p.m.
3. In anticipation of sentencing, a Presentence Investigation Report was prepared.
4. Defendant has raised a number of exceptions to the Presentence Investigation Report.
5. Defendant also intends to call witnesses to support the aforementioned exceptions.

6. The defense is attempting to serve subpoenas upon these witnesses; however, it is believed some of these witnesses are attempting to avoid being served with said subpoenas.

7. As a result, the defense requires another continuance in order to effectuate service of the subpoenas to ensure the witnesses will appear at Defendant's sentencing.

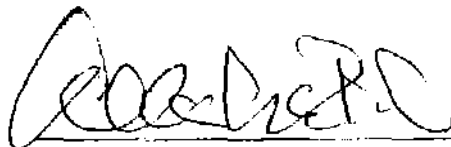
8. Additionally, as the witnesses are proving difficult to locate and to be served, as much advance notice of the date and time of sentencing as the Court can possibly give would aid the defense in compelling their attendance.

9. To that end, Defendant prays This Honorable Court will continue sentencing in the matter for a period of at least sixty days, and provide as much advance notice of the date and time of sentencing as possible.

10. Defendant is incarcerated and, therefore, no prejudice will accrue to the government nor any risk to the public by the granting of this motion.

WHEREFORE, Defendant prays this Honorable Court will enter an Order granting the above requested relief.

Respectfully submitted,



Allen C. Welch, Esquire
COSTOPOULOS & WELCH
1400 North Second Street
Harrisburg, Pennsylvania 17102
Telephone: (717) 221-0900
Fax: (717) 221-0904
ATTORNEY FOR DEFENDANT

Date:

6/21/02

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CASE NO. CR-01-00090-001

v.


JUAN A. SANCHEZ,

Defendant

STATEMENT OF CONCURRENCE

Undersigned counsel hereby represents that he obtained the concurrence of AUSA

Christy H. Fawcett to this motion.



Allen C. Welch, Esquire
COSTOPOULOS & WELCH
1400 North Second Street
Harrisburg, Pennsylvania 17102
Telephone: (717) 221-0900
Fax: (717) 221-0904
ATTORNEY FOR DEFENDANT

Date:

6/21/02

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CASE NO. CR-01-00090-001

v.

JUAN A. SANCHEZ,

Defendant

AFFIDAVIT OF SERVICE

I, Allen C. Welch, Esquire, hereby certify that I am this day serving a copy of the foregoing document upon the person, and in the manner, indicated below:

Christy H. Fawcett, Esquire
Assistant U.S. Attorney
U.S. Courthouse
Federal Building
228 Walnut Street
Harrisburg, PA 17108



Allen C. Welch, Esquire
COSTOPOULOS & WELCH
1400 North Second Street
Harrisburg, Pennsylvania 17102
Telephone: (717) 221-0900
Fax: (717) 221-0904
ATTORNEY FOR DEFENDANT

Date:

6/21/02

**PROGRESS REPORT
FTD FORT DIX FCI
AND
CALIFORNIA CITY CORRECTIONAL CENTER
PROGRESS REPORT**

Exhibit (8)

FTDK4
PAGE*
PROGRESS REPORT*
02-20-2007
08:56:46RSP OF: FTD FORT DIX FCI
5756 HARTFORD & POINTVILE RD
FORT DIX, NJ 08640
609 723-1100

US DEPARTMENT OF JUSTICE BUREAU OF PRISONS

NAME: SANCHEZ, JUAN A

REGNO: 10616-067 AGE(DOB): 38/03-07-1968

INMATE REVIEWED/SIGNATURE

DATE

STAFF SIGNATURE

TYPE OF PROGRESS REPORT:

INITIAL SIH TRIENNIAL P PRE-RELEASE TRANSFER OTHER:

PRESENT SECURITY/CUSTODY LEVEL:

LOW /IN

OFFENSE/VIOLATOR OFFENSE:

SENTENCE IMPOSED AND TERM OF SUPERVISION:

T18 USC 371 - CONSPIRACY TO CAUSE INTERSTATE & FOREIGN TRAVEL
IN AID OF DRUG DISTRIBUTION (COUNT 1S)
60 MONTHS / 3 YEARST18 USC 1952(A)(3) & 2 CAUSING INTERSTATE & FOREIGN TRAVEL
IN AID OF DRUG DISTRIBUTION (COUNT 2S)
60 MONTHS / 3 YEARST18 USC 1028 - PRODUCING A FALSE IDENTIFICATION (COUNT 3S)
168 MONTHS / 3 YEARS

DATE COMPUTATION BEGAN: 07-23-2002

DAYS FSGT/WSGT/DGCT:

0 /0 /0

DAYS GCT OR EGT/SGT:

324

MONTHS SERVED:

+ JAIL CREDIT - INOP TIME

M: 54 D: 29

+ 874 JC - 0 INOP

PROJECTED RELEASE DATE: 05-12-2012

PROJECTED RELEASE METHOD: GCT REL

DETAINERS/PENDING CHARGES:

NEW JERSEY

MAINTAINING A FACILITY FOR THE SALE OF STOLEN AUTO PARTS &
REC'D 7 YEAR SENTENCE 9/11/03 PWITD IND #S1285-8-97, 460-3-99CO-DEFENDANTS: (LIST CO-DEFENDANTS, SENTENCE LENGTH AND PAROLE ACTION IF
PAROLABLE)DISTRIBUTION: ORIGINAL TO INMATE, COPY TO USPO, COPY TO USPC
CENTRAL FILE - SECTION TWO

BP-CLASS-3

(INSTRUCTIONS: EXHAUSTIVE RESEARCH IS REQUIRED AND IS TO BE COMPREHENSIVE IN
EACH SECTION. THIS REPORT IS TO REFLECT AN EVALUATION OF THE INMATE'S PAST

NAME: SANCHEZ, JUAN A

REGNO: 10616-067

STATUS, AN ASSESSMENT OF HIS/HER CURRENT STATUS, AND POTENTIAL FOR FUTURE PERFORMANCE.)

----- INSTITUTIONAL ADJUSTMENT -----

(A SUMMARY OF INMATE'S PAST AND CURRENT INSTITUTIONAL ADJUSTMENT. GIVE A BRIEF INTERPRETATION WHEN IT WILL CLARIFY AN UNDERSTANDING OF THE INMATE'S ADJUSTMENT.)

A. PROGRAM PLAN: (IDENTIFY PROGRAM PLANS ESTABLISHED AT INITIAL CLASSIFICATION AND SUBSEQUENT PROGRAM REVIEWS.)

B. WORK ASSIGNMENTS: (SENTRY WILL CAPTURE WORK DATA - SUMMARIZE INSTITUTION WORK HISTORY AND CURRENT ASSIGNMENT(S). SPECIFY DUTIES, HOURS WORKED, PROMOTIONS, SKILLS, DEGREE OF COMPETENCE, RELATIONSHIP WITH SUPERVISORS AND CO-WORKERS AND OTHER SIGNIFICANT ASPECTS OF THE INMATE'S ADJUSTMENT TO THE JOB (E.G., ATTITUDE, PUNCTUALITY, WILLINGNESS TO ACCEPT AND COMPLETE ASSIGNMENTS, WILLINGNESS TO ACCEPT SUPERVISION.) (SEE PS ON PROGRESS REPORTS)

INST	WORK ASSIGNMENT	START DATE	STOP DATE
FTD	EDUC VT E VT TUTOR - FCI EAST	10-01-2006	CURRENT
FTD	VT FRAME VT FRAMING	08-01-2006	10-01-2006
FTD	CARP EAST CARPENTRY CREW FCI - EAST	03-20-2006	08-01-2006
FTD	VACATION E VACATION - FCI EAST	03-13-2006	03-20-2006
FTD	CARP EAST CARPENTRY CREW FCI - EAST	11-02-2004	03-13-2006
FTD	A&O CMP E A&O COMPLT-PND WRK ASSIGN EAST	10-06-2004	11-02-2004
FTD	A&O WEST ADMISSION & ORIENTATION - WEST	10-05-2004	10-06-2004
FTD	GM 3 EAST GENERAL MAINT 3 FCI - EAST	03-29-2004	08-13-2004
FTD	A&O CMP E A&O COMPLT-PND WRK ASSIGN EAST	02-25-2004	03-29-2004

C. EDUCATIONAL/VOCATIONAL PARTICIPATION: (SENTRY WILL CAPTURE EDUCATION DATA - SUMMARIZE INSTITUTION HISTORY AND ACCOMPLISHMENTS. SPECIFICALLY ADDRESS THE INMATE'S ACADEMIC STRENGTHS AND WEAKNESSES. FOR VOCATIONAL PARTICIPATION, IDENTIFY SPECIFIC SKILLS LEARNED AND DEGREE OF COMPETENCE, RELATIONSHIP WITH INSTRUCTORS AND OTHER STUDENTS, AND OTHER SIGNIFICANT ASPECTS OF THE INMATE'S PARTICIPATION IN TRAINING E.G., ATTITUDE PUNCTUALITY, WILLINGNESS TO ACCEPT AND COMPLETE ASSIGNMENTS, WILLINGNESS TO ACCEPT INTRUCTIONS.) (SEE THE PS ON PROGRESS REPORTS)

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
FTD	ESL HAS ENGLISH PROFICIENT	09-05-2002 1658	CURRENT
FTD	GED XN EXEMPT GED NON-PROMOTABLE	09-23-2002 1132	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
FTD	ACE CONV FRENCH RM 220 MONDAY	02-05-2007	CURRENT				

----- HIGH TEST SCORES -----

TEST	SUBTEST	SCORE	TEST DATE	TEST FACL	FORM	STATE
SABE/2	MATH COMP	5.0	09-13-2002	OTV		
	MATH CONC	2.7	09-13-2002	OTV		
	READ COMP	1.9	09-13-2002	OTV		
	VOCABULARY	7.4	09-13-2002	OTV		

D. COUNSELING PROGRAMS: (SUMMARIZE INSTITUTION COUNSELING HISTORY AND IDENTIFY CURRENT PARTICIPATION IN COUNSELING PROGRAMS INCLUDING PROGRAM DESCRIPTION,

NAME: SANCHEZ, JUAN A REGNO: 10616-067

HOURS COMPLETED, LEVEL OF PARTICIPATION, AND BENEFIT DERIVED.)

E. INCIDENT REPORTS: (SENTRY WILL CAPTURE INCIDENT REPORTS. FOR PROHIBITED ACTS OF GREATEST SEVERITY, INCLUDE A BRIEF ACCOUNT OF THE INCIDENT.)

NO DISCIPLINARY INFRACTIONS INCURRED DURING THIS REPORTING TIME.

F. INSTITUTIONAL MOVEMENT: (SENTRY WILL CAPTURE INMATE MOVEMENT)

INSTITUTION	ASSIGNMENT	REASON FOR MOVEMENT	EFFECTIVE DATE
FTD GP	A-DES	WRIT RETURN	10-05-2004

G. PHYSICAL AND MENTAL HEALTH: (INDICATE ANY SIGNIFICANT MENTAL OR PHYSICAL HEALTH PROBLEMS. INCLUDE EMPLOYABILITY AND LIMITATIONS, AND MEDICAL CONCERNS OR ANY MEDICATION NEEDED WHILE IN A CCC.)

H. PROGRESS ON FINANCIAL RESPONSIBILITY PLAN: (IDENTIFY FINANCIAL OBLIGATIONS, THE DISTRICT, THE AMOUNT, PAYMENT PLANS, AND PAYMENTS MADE (INCLUDE COIF).)

FRP ASSIGNMENT	START DATE
COMPLT FINANC RESP-COMPLETED	03-15-2006

I. RELEASE PREPARATION PROGRAM & RELEASE PLANS: (IDENTIFY THE RELEASE NEEDS OF THE INMATE AND INVOLVEMENT IN THE RELEASE PREPARATION PROGRAM. THIS INCLUDES, BUT IS NOT LIMITED TO, TRAINING RECEIVED. INCLUDE A THOROUGH REVIEW OF THE INMATE'S COMMUNITY RESOURCES, RELEASE PLANS, AND INFORMATION REGARDING POSSIBLE CCC TRANSFER.)

CMA ASSIGNMENT (REL. PREP)	START DATE
RPP NEEDS RELEASE PREP PGM NEEDS	10-24-2002

PRE-RELEASE PREP DATE: _____

RESIDENCE: (INDICATE WITH WHOM AND ADDRESS)

EMPLOYMENT: (PROVIDE FIELD AND EMPLOYER IF KNOWN)

USPO: (PROVIDE CHIEF'S NAME AND ADDRESS IN THE SENTENCING DISTRICT. ADDITIONALLY, IF RELOCATION OF SUPERVISION IS REQUESTED PROVIDE CHIEF'S NAME AND ADDRESS IN THE RELEASE DISTRICT.)

J. RELEASE NOTIFICATIONS:

OFFENDER IS SUBJECT TO RELEASE NOTIFICATION PROVISIONS UNDER 18 USC 4042(B) DUE TO:

CURRENT CONVICTION FOR A DRUG TRAFFICKING OFFENSE

18 USC 4042(B) NOTIFICATIONS APPLY TO INMATES RELEASING TO THE COMMUNITY WITH SUPERVISION

IS OFFENDER SUBJECT TO RELEASE NOTIFICATION PROVISIONS UNDER 18 USC 4042(C) DUE TO A CONVICTION FOR CERTAIN SEXUAL OFFENSES.

() YES () NO

18 USC 4042(C) NOTIFICATIONS APPLY TO INMATES RELEASING TO THE COMMUNITY

NAME: SANCHEZ, JUAN A

REGNO: 10616-067

DNA TEST STATUS: NEED

DNA TESTING APPLIES TO INMATES WITH A QUALIFYING OFFENSE

Dictated by:

M. Davis
5751 L-Z M. DAVIS, CSW, X-393

Case Manager (Date)

2/20/07

Date Typed:

2/20/07

Reviewed by:

M. Carroll
UNIT 3 M. CARROLL, UM X-390

Unit Manager (Date)

2/20/07

CALIFORNIA CITY CORRECTIONAL CENTER
PROGRESS REPORT

Exhibit (8)

PROGRESS REPORT

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

California City Correctional Center
P.O. Box 2590, California City, CA 93504

Date:
September 14, 2008

Inmate Reviewed

Inmate's Signature:

Date:

Staff Signature:

Juan A. Sanchez

9/14/08

M. Muealy

1. Type of Progress Report:

- ☐ Initial ☐ Statutory ☐ Pre-Release
☐ Transfer ☐ Triennial ☐ Other (Specify) _____

2. Inmate's Name:

3. Register Number:

4. Age (DOB):

Sanchez, Juan A

10616-067

40 (03-07-1968)

5. Present Security/custody level: Low/In

6. Offense/Violator Offense: Conspiracy to cause interstate and foreign travel in aid of drug distribution; Causing interstate and foreign travel in aid of drug distribution; Producing a false identification

7. Sentence: 168 Months and 3 Years Supervised Release

8. Sentence Began:

9. Months Served + Jail Credit:

10. Days GCT or EGT/SGT

07-23-2002

73 Months + 874 Days JCT

432 of 658 Days GCT

11. Days FSGT/WSGT/DGCT:

12. Projected Release:

13. Last USPC Action:

0/0/0 Days

05-12-2012 GCT Release

N/A

14. Detainers/Pending Charges:

ICE

15. Co-defendants:

None

Distribution:

Copy - Inmate Central File
 Copy - U.S. Probation Office
 Copy - Parole Commission or Regional Office (if applicable)
 Copy - Inmate

Sanchez, Juan A

10616-067

September 14, 2008

16. **Institutional Adjustment:** Mr. Sanchez, Juan A #10616-067 has demonstrated an average institutional adjustment during his incarceration at California City Correctional Center.

A. Program Plan: Mr. Sanchez was designated to California City Correctional Center on May 24, 2007. He was initially classified by his Unit Team on June 12, 2007. At that time his Unit Team recommended he obtain a job assignment, enroll in ESL-Pre GED and start to save money to have in the future to assist with release needs. Further Unit Teams, at California City Correctional Center, recommended he maintain steady employment and clear conduct. He has not enrolled in ESL-Pre GED but he has maintained steady employment and clear conduct.

B. Work Assignment: Sanchez' work history consists of the following work detail assignments.

California City, CAL:

Facility A&O	05-24-2007	to	07-25-2007
Recreation Orderly	07-25-2007	to	08-02-2007
Library Aide	08-02-2007	to	Current

While at California City Correctional Center his work performance rating was at grade 1 / \$0.40 an hour. He has been receiving satisfactory/good work evaluations.

C. Educational/Vocational Participation: The Presentence Investigation Report indicates that Sanchez has never attended school in the United States. The last school that he attended was in the Dominican Republic. He has not completed any educational courses during his incarceration at California City Correctional Center.

D. Counseling Programs: Mr. Sanchez has not completed any counseling programs while incarcerated at California City Correctional Center.

E. Incident Report(s): Mr. Sanchez has not received any incident reports and has maintained clear conduct during his incarceration here at California City Correctional Center.

F. Institutional Movement: Mr. Sanchez was designated to California City Correctional Center on May 24, 2007. Sanchez was initially designated to Otisville, FCI in New York, he was transferred to Fort Dix, FCI in New Jersey on February 5, 2004. He was then re-designated to California City Correctional Center.

G. Physical and Mental Health: There are no indications that Mr. Sanchez is suffering from mental illnesses. He has no medical restrictions and is cleared for regular duty and food service work..

H. Progress on Financial Responsibility Plan: At the time of sentencing, the Middle District Court of Pennsylvania imposed a \$300.00 Felony Assessment. Mr. Sanchez has completed that obligation as of March 15, 2006.

17. **Release Planning:** Mr. Sanchez has a detainer with Immigration and Customs Enforcement and after fulfilling his federal obligation, will be deported to his country of Dominican Republic..

A. Residence: Dominican Republic (specific address not known)

B. Employment: Employment not secured.

C. CUSPO (Sentencing District): Middle District of Pennsylvania

U.S. Department of Justice

Sanchez, Juan A

10616-067

September 14, 2008

D. Release Preparation Program: Mr. Sanchez has been ordered by the ICE to be deported to Dominican Republic.

18. **Dictated By:** M. Micalizzi, Case Manager/ N-Unit *MM*

19. **Date Typed:** September 14, 2008

20. **Reviewed By:** P. Grajales, Unit Manager/ N-Unit *PG*